

**E-FILED on** 12/30/09

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re EXTREME NETWORKS, INC.  
SHAREHOLDER DERIVATIVE  
LITIGATION

No. C-07-02268 RMW

ORDER VACATING HEARING AND  
SETTING BRIEFING SCHEDULE FOR  
DEFENDANT'S MOTION FOR  
RECONSIDERATION

**[Re Docket No. 112, 114]**

This Document Relates To:  
  
ALL ACTIONS

On November 17, 2009, the court issued an order denying nominal defendant Extreme Networks, Inc. ("Extreme")'s motion to strike and motion to dismiss. On December 3, 2009, Extreme filed a notice of motion and motion: (1) for leave to file motion for reconsideration of the November 17, 2009 order denying nominal defendant's motion to strike and motion to dismiss; or in the alternative, (2) for stay of action and certification of appeal under 28 U.S.C. § 1292(b). On the same day, Extreme noticed a hearing on the motion for a stay and for certification of appeal on January 8, 2010. The court hereby vacates the hearing on the motion for a stay and for certification


1 of appeal and grants Extreme leave to file a motion for reconsideration. The court sets the following  
2 briefing schedule on the motion for reconsideration:

3 January 15, 2010: Opposition due

4 January 22, 2010: Reply due

5 After reviewing the papers, the court will determine whether a hearing on the motion for  
6 reconsideration is necessary. If the motion for reconsideration is denied, the court will then  
7 determine whether to grant a stay of action and certification of appeal.

8  
9  
10  
11 DATED: 12/30/09

  
RONALD M. WHYTE  
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiffs:**

3 Alan R Plutzik	aplutzik@bramsonplutzik.com
Emanuel Shachmurove	mshachmurove@sbtclaw.com
4 Eric L. Zagar	ezagar@btkmc.com
Lawrence Timothy Fisher	ltfisher@bramsonplutzik.com
5 Robert Bramson	rbramson@bramsonplutzik.com
Aelish Marie Baig	AelishB@csgrr.com
6 Shawn A. Williams	shawnw@csgrr.com
Frank James Johnson	frankj@johnsonbottini.com
7 Lucas F. Olts	Lolts@csgrr.com

8 **Counsel for Defendants:**

9 John Henry Hemann	jhemann@morganlewis.com
Jonathan DeGooyer	jdegooyer@morganlewis.com
10 Joseph Edward Floren	jfloren@morganlewis.com
Laura Alexis Lee	llee@morganlewis.com

11  
12 Counsel are responsible for distributing copies of this document to co-counsel that have not  
13 registered for e-filing under the court's CM/ECF program.

14  
15 **Dated:** 12/30/09

16 CCL  
**Chambers of Judge Whyte**